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09/813,386	03/20/2001	Christopher Richard Uhlik	15685P093	3491

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EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/813,386

Applicant(s)  
Christopher Richard Uhlik

Examiner  
Naghmeh Mehrpour

Art Unit  
2686



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1, 4-8, 11-23, 25**, are rejected under 35 U.S.C. 102(e) as being anticipated by Fleek et al .(US Patent 5,533,025).

Regarding **Claims 1, 13, 22**, Fleek teaches a method for a communication device to manage resources available to remote user terminals in a communication system (col 4 lines 26-34), the method comprising: a communication device establishing a wireless communication session with a remote user terminal (col 3 lines 15-25), the wireless communication session having associated therewith a first session time limit (col 3 lines 24-36), (the session time limit is the user ability to access to wireless communication channels to exchange data), the communication device **detecting a session renewal** (session renewal is when the time that mobile retransmit the packet to the base station, it also can be call back of time ), (col 5 lines 40-63), and the communication

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device **altering the first session time limit** in response to detecting the session renewal (See figures 1-3, col 5 lines 24-67).

Regarding **Claims 4, 11, 18, 25**, Fleek teaches a method wherein the session renewal is caused by the communication device detecting active data exchange between the remote user terminal and the, base station prior to the lapse of the session time limit (col 5 lines 24-35).

Regarding **Claims 5, 12**, Fleek teaches a method wherein the first and second session time limits are equal in duration (col 5 lines 45-59).

Regarding **Claims 6-7, 14**, Fleek teaches a method wherein the session renewal is received by the communication device from the remote user (See figure 1-3, col 5 lines 27-34).

Regarding **Claims 8, 16**, Fleek teaches a method communication system, a method comprising: a communication device providing a session to a remote user terminal, the session having associated therewith a first session time limit (col 5 lines 47-59); upon lapse of the first session time limit (col 5 lines 47-59), the communication device determining whether a session renewal has been generated; and the communication device, if having determined that a session renewal has been generated, renewing the session for a second session time limit, and if having determined that a session renewal has not been generated, terminating the session (col 5 48-67, col 6 lines 1-5).

Regarding **Claims 15, 17, 23**, Fleek teaches an apparatus wherein the session management means is coupled to the timing mechanism to delay or extend the time limit in response to the predetermined condition (col 5 lines 45-67, col 6 lines 1-5).

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Regarding **Claim 19**, Fleek teaches an apparatus wherein the predetermined condition includes detection of network congestion (col 1 lines 25-44).

Regarding **Claims 20-21**, Fleek teaches an apparatus wherein network congestion is in progress and characterized at least in part by a number of channels that are active (Col 1 lines 25-44).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 2-3, 9-10, 24**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleek et al. (US Patent 5,533,025) in view of Widegren et al. (US Patent Number 6,374,112).

Regarding **Claims 2-3, 9-10**, Widegren teaches a method wherein the session renewal is caused by a priority status associated with the remote user terminal (col 3 lines 37-56), the Widegren system has a capability that the high priority go through before the call with low priority.

Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to provide above teaching of Widegren to Fleek, in order provide more flexible and advance system.

Regarding **Claim 24**, Widegren teaches an apparatus wherein the time limit is determined by a quality of service parameter of the external entity. Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to provide above teaching of

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Widegren to Fleek, in order provide better speech service with higher delay tolerance and congestion level.

*Response to Arguments*

5. Applicant's arguments filed 5/13/03 have been fully considered but they are not persuasive.

In response to the applicant's argument that Fleek fails to disclose detecting a session renewal, and time limit to a communication session.

Examiner states as the applicant agreed Fleek acknowledgment timeout to the session time limit. Therefore, Fleek by using acknowledgment timeout, let the system know, that it is time for a new transmission, when a remote station receives a response to the request message from the base station, the base station listen on the first frequency for a hop cycle trailer signal. Upon seeing the signal, the station will hop to a second frequency indicated in the trailer signal. The second frequency is the frequency at which the stations communicate is the frequency at which the stations communicate with each other. **If, however, a remote station does not receive a response by a certain time, it hops to a third frequency that is randomly chosen.**

When remote station hops to the a third frequency the communication on first frequency is ended, therefore the session ended, and by hopping to the third frequency the session renewal and remote station claim renewing a communication session for a second session time limit.

Fleek on column 5 lines 36 specifically disclose that after remote station waits for amount of time, and begins the entire sensing and transmit procedure all over again.

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Fleek continues on column 5, that after a packet has been transmitted, the station waits for an acknowledgment message to be sent by the destination station of the original data packet. If after a chosen acknowledgment timeout has been reached, no acknowledgment message has been received then the parameter K is incremented. The time limit is dependent on the parameter K, can be set to any limit that the designer chooses. Therefore, Fleek does teach altering the time limit.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Fleek teaches a communication device, that providing a session to a remote user terminal, the session having associated with a first session time limit (col 5 lines 47-59); upon lapse of the first session time limit (col 5 lines 47-59), the communication device determining whether a session renewal has been generated; and the communication device, if having determined that a session renewal has been generated, renewing the session for a second session time limit, and if having determined that a session renewal has not been generated, terminating the session (col 5 48-67, col 6 lines 1-5). Widegren teaches a method wherein the session renewal is caused by a priority status associated with the remote user terminal (col 3 lines 37-56), the Widegren system has a capability that the high priority go through before the call with low priority. Therefore,

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above teaching of Widegren can be combined to Fleek, in order provide more flexible and advance system. Widegren teaches an apparatus wherein the time limit is determined by a quality of service parameter of the external entity. Therefore, Widegren system can be combined with Fleek system, in order provide better speech service with higher delay tolerance and congestion level.

### **Conclusion**

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. **Any responses to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications indented for entry)

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**Or:**

(703) 308-6306, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, Va., sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communication from the examiner  
should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The  
examiner can normally be reached on Monday through Thursday (first week of bi-week) and  
Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

NM

July 28, 2003

*Marsha D Banks-Harold*

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SUPERVISORY PATENT EXAMINER  
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